

REMARKS

After entry of the foregoing amendments, claims 24 and 26 will remain pending. Claims 1-23 and 25 are canceled without prejudice. Claim 24 remains withdrawn. Claim 26 has been amended to place it in independent form by incorporating all of the limitations of claim 14. No new matter has been added.

Applicants gratefully note the conclusion by the examiner that claim 26 is free from prior art.

Election

Affirmation is made herein of the additional election that was made without traverse by the undersigned to prosecute (i) “antibodies” from claim 15, (ii) “Her2” from claim 16, and (iii) “biotinylated drug” from claim 22 for examination.

Objection to claims

Claims 15, 16 and 22 are objected to as containing non-elected subject matters. As these claims have been canceled, the objection is now moot.

Claim 18 is objected to for a typographical error. As claim 18 has been canceled, the objection is now moot.

Claim 21 is objected to for typographical errors. As claim 21 has been canceled, the objection is now moot.

Claim 22 is objected to for having allegedly inadequate antecedent basis. As claim 22 has been canceled, the objection is now moot.

Claim 23 is objected to for a typographical error. As claim 23 has been canceled, the objection is now moot.

Objections to the specification.

The specification has been amended to correct the alleged informalities pointed out by the examiner. Removal of the objections is respectfully requested.

The specification is objected to as failing to provide proper antecedent basis for the subject matter of claims 17-20. Since these claims have been canceled, the objection is now moot. Removal of the objections is respectfully requested.

Objection to the drawings.

A new set of drawings is submitted herewith to correct the missing “OD” wavelength units in Figure 4.

Claim rejections-35 U.S.C. §112, second paragraph

Claims 17-21 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 17-21 allegedly lack antecedent basis for “the cell binding domain” in claim 14 from which claims 17-21 depend. Claims 17-21 have been canceled, rendering the rejection moot.

Claim rejections-35 U.S.C. §102

Claims 14-16, 19, 22 and 23 are rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Zhang et al. (WO02066980 A1) as is evidenced by Greene et al. (US 20030148932 A1). These claims have been canceled, rendering the rejection moot.

Claim rejections-35 U.S.C. §103

Claims 1, 17 and 18 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Zhang et al. in view of Greene et al. and further in view of Atwell et al. (WO 9933965). These claims have been canceled, rendering the rejection moot.

Claims 1 and 20 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Zhang et al. in view of Greene et al. These claims have been canceled, rendering the rejection moot.

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PATENT

CONCLUSION

Applicants believe that the foregoing constitutes a complete and full response to the official action of record, and that the application is now in condition for allowance. Accordingly, a Notice of Allowability of pending claims 24 and 26 is respectfully requested.

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